

## Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 DODE-00 CIAE-00  
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-----088121 291224Z /45  
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INFO AMEMBASSY LONDON PRIORITY  
AMEMBASSY MOSCOW PRIORITY

S E C R E T SECTION 01 OF 03 GENEVA 09862

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E.O. 11652: XGDS-3  
TAGS: PARM US UK UR  
SUBJECT: CTB NEGOTIATIONS: POLITICAL WORKING GROUP  
MEETING OF JUNE 28, 1978

CTB MESSAGE NO. 255

1. SUMMARY: POLITICAL WORKING GROUP MEETING OF JUNE 28  
WAS DEVOTED TO DISCUSSION OF US-UK PROPOSALS FOR  
POLITICAL/LEGAL ARTICLES OF MULTILATERAL TREATY. SOVIET  
DELEGATION ASKED SEVERAL SERIOUS AND BUSINESS-LIKE QUES-  
TIONS, INDICATING THAT THEY WERE GIVING THOROUGH CON-  
SIDERATION TO US-UK ILLUSTRATIVE TEXT AND MIGHT ACCEPT  
MOST OF OUR LANGUAGE, POSSIBLY INCLUDING THE "REPLACEMENT  
TREATY" PHRASE IN THE REVIEW CONFERENCE ARTICLE. SOVIETS  
DID NOT SEEM TO HAVE RIGID POSITIONS ON ANY OF THESE  
ISSUES AT THE PRESENT TIME, BUT SEEMED INTERESTED IN  
THOROUGH EXPLORATION OF THE QUESTIONS RAISED BY OUR  
PROPOSALS. END SUMMARY.

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2. AT POLITICAL WORKING GROUP MEETING ON JUNE 28, TIMER-  
BAEV (USSR) ASKED QUESTIONS RELATED TO ILLUSTRATIVE TEXT  
TABLED BY UK DELEGATION JUNE 26 ON BEHALF OF UK AND US  
DELEGATIONS. HE BEGAN WITH TWO QUESTIONS CONCERNING THE  
GENERAL STRUCTURE OF THE MULTILATERAL TREATY. FIRST,  
WHERE IN THE TREATY SHOULD THERE BE A STATEMENT ABOUT THE  
PROTOCOL ON PNES. NEIDLE (US) MADE SUGGESTION, BASED ON

THE US DECEMBER 7 WORKING PAPER, THAT IT MIGHT APPEAR IMMEDIATELY AFTER THE BASIC PROHIBITIONS, POSSIBLY AS A BRIEF FINAL PARAGRAPH OF ARTICLE I. BIRCH (UK) AGREED WITH THIS APPROACH. TIMERBAEV INDICATED THAT SOVIET DEL WAS THINKING ALONG THE LINES OF A SEPARATE ARTICLE RATHER THAN A PART OF ARTICLE I. HE ALSO ASKED WHETHER WE THOUGHT IT DESIRABLE TO SPECIFY THAT THE OBLIGATIONS OF THIS TREATY WOULD NOT AFFECT THE OBLIGATIONS ASSUMED BY STATES UNDER OTHER INTERNATIONAL AGREEMENTS. WETHERELL (UK) THOUGHT THERE MIGHT BE NO NEED FOR SUCH A PROVISION SINCE THE LIMITED TEST BAN TREATY OBLIGATIONS WOULD CONTINUE, IN ANY EVENT, UNDER STANDARD INTERNATIONAL LAW PRINCIPLES. NEIDLE AND PHELPS (US) INDICATED AN OPEN MIND ON THIS ISSUE, AND TIMERBAEV SAID THE SOVIET DEL MIGHT SUGGEST A ONE-SENTENCE ARTICLE.

3. MOST OF THE MEETING WAS DEVOTED TO A DISCUSSION OF THE US-UK PROPOSED LANGUAGE REGARDING A REVIEW CONFERENCE. TIMERBAEV SAID THAT THE PRINCIPLE OF "UNITY OF ACTION", WHICH WAS AN ESSENTIAL ELEMENT FOR THE SOVIETS OF A DURATION PROVISION WAS "ANSWERED AND COVERED" BY THE PROPOSED LANGUAGE. HE WAS MORE CONCERNED, THEREFORE, WITH THE QUESTION OF WHETHER THE TREATY LANGUAGE SHOULD PUT PRESSURE ON FRANCE AND CHINA TO JOIN THE TREATY. HE NOTED THAT THE SOVIETS HAD ASSUMED, SINCE NOVEMBER, THAT THE TREATY COULD BECOME ONE OF UNLIMITED DURATION IF ALL  
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NUCLEAR WEAPON STATES ACCEDED. HE NOTED, ALSO, THAT UNDER THE US KEY ELEMENT PROPOSAL LAST DECEMBER, THERE WAS AN OPPORTUNITY FOR WITHDRAWAL -N THE EVENT OF CONTINUED TESTING BY OTHER NUCLEAR WEAPON STATES. BOTH OF THESE PROPOSALS, THEREFORE, PUT SOME PRESSURE ON FRANCE AND CHINA TO JOIN. TIMERBAEV WONDERED WHETHER, IF FRANCE AND CHINA JOINED, THE REVIEW CONFERENCE CONSIDERATION OF A REPLACEMENT WOULD BE NECESSARY. BIRCH AND NEIDLE REPLIED THAT THE TREATY WOULD HAVE A FIVE-YEAR DURATION REGARDLESS OF ADHERENCE BY FRANCE AND CHINA. NEIDLE EMPHASIZED THAT FRENCH AND CHINESE ADHERENCE DURING THE FIVE-YEAR DURATION WAS EXTREMELY UNLIKELY AND WE SHOULD BASE OUR POLICY AND LANGUAGE ON ANTICIPATED REALITIES. UNDER OUR PROPOSED LANGUAGE, ONE OR MORE SIGNATORIES MIGHT CONSIDER THE TESTING POSTURES OF FRANCE AND CHINA AS ONE FACTOR IN THE DECISION ABOUT A REPLACEMENT TREATY, BUT OTHER FACTORS WOULD ALSO BE RELEVANT.

4. TIMERBAEV OBSERVED THAT THE PRIOR PROPOSALS OF BOTH DELEGATIONS HAD PROVIDED SOME EXPLANATION TO THE WORLD AS TO WHY THE TREATY MIGHT NOT CONTINUE FOREVER; I.E., CONTINUED TESTING BY NON-SIGNATORIES MIGHT ENDANGER THE

SIGNATORIES' SECURITY. WHY WAS NO REASON OFFERED IN THE LATEST US-UK PROPOSAL? NEIDLE SUGGESTED THAT DECISIONS FOR THE FUTURE SHOULD BE TAKEN ON A BROADER BASIS, IN THE LIGHT OF CONSIDERATIONS THAT SEEM IMPORTANT AT THAT TIME, RATHER THAN ON THE BASIS OF PREDICTIONS. TIMERBAEV RECALLED THAT VIRTUALLY EVERY MEMBER OF THE UN HAS EXPRESSED HOPE THAT A PERMANENT COMPREHENSIVE TEST BAN CAN BE NEGOTIATED. HE WONDERED WHETHER SOME REASON SHOULDN'T BE STATED FOR NEGOTIATING A TEST BAN TREATY OF

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INFO AMEMBASSY LONDON PRIORITY  
AMEMBASSY MOSCOW PRIORITY

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LESS THAN UNLIMITED DURATION. BIRCH NOTED THAT THERE WILL BE MANY OPPORTUNITIES FOR EXPLANATIONS, AND THAT THESE EXPLANATIONS NEED NOT BE STATED IN THE TREATY ITSELF. NEIDLE THOUGHT IT WOULD NOT SERVE THE PURPOSE OF ENCOURAGING A GRADUAL AND POSITIVE EVOLUTION OF FRENCH AND CHINESE POLICY TO PUT THEM ON THE SPOT AND PAINT THEM AS THE CRITICAL FACTOR IN TREATY DURATION. HE ALSO REFERRED TO AN EARLIER UK ARGUMENT THAT WE WOULD NOT WANT TO PUT IN THE HANDS OF OTHERS THE DECISION AS TO WHETHER OR NOT WE HAVE A TREATY WITH A PARTICULAR DURATION. TIMERBAEV COMMENTED THAT THIS WAS A POWERFUL ARGUMENT.

5. TURNING TO THE MEANING OF THE PHRASE "REPLACEMENT TREATY", TIMERBAEV ASKED WHETHER IT WAS CORRECT TO ASSUME THAT UNDER THE US-UK PROPOSAL, THE UK, US AND USSR WOULD HOLD PRIVATE CONSULTATIONS PRIOR TO THE REVIEW CONFERENCE AND COULD DECIDE IN SUCH CONSULTATIONS, THAT A REPLACEMENT

TREATY WOULD BE THE SAME AS THE PRESENT TREATY, OR THAT  
IT WOULD BE DIFFERENT FROM THE PRESENT TREATY, OR THAT  
THERE WOULD NOT BE A REPLACEMENT TREATY. BIRCH AND NEIDLE  
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AGREED AND POINTED OUT THAT THE US-UK LANGUAGE WOULD GIVE  
ALL OF US DESIRABLE FLEXIBILITY. WE BELIEVED WE SHOULD  
NOT TRY TO SPELL OUT ALL OF OUR OPTIONS IN THE TREATY AND  
SHOULD USE THE SIMPLEST POSSIBLE FORMULA--"A REPLACEMENT  
TREATY"--IN THE TEXT. TIMERBAEV ASKED WHETHER, IF WE  
DECIDED TO HAVE THE SAME TREATY, THE PRESENT TREATY  
WOULD BE EXTENDED OR RE-RATIFIED. NEIDLE SAID THAT THE US  
WOULD SUBMIT A REPLACEMENT TREATY TO THE SENATE EVEN IF  
THE LANGUAGE WAS THE SAME. BIRCH SAID THAT THE CONSTITU-  
TIONAL PRACTICES OF EACH PARTY WOULD BE RELEVANT.

6. TIMERBAEV WONDERED WHY WE SHOULD HAVE A REVIEW CONFER-  
ENCE IF THE US, THE UK AND THE USSR DECIDED NOT TO HAVE  
A REPLACEMENT TREATY. BIRCH AND NEIDLE THOUGHT IT WOULD  
BE DIFFICULT TO HAVE A MULTILATERAL TREATY THAT DID NOT  
PROVIDE FOR A REVIEW CONFERENCE, AND IT WOULD BE HEAVY-  
HANDED TO TRY TO SOLVE THIS PROBLEM IN MORE DIRECT TERMS.  
TIMERBAEV AGREED THAT A REVIEW CONFERENCE PROVISION WAS,  
AND WOULD CONTINUE TO BE, STANDARD PRACTICE IN INTER-  
NATIONAL ARMS CONTROL TREATIES.

7. TIMERBAEV INDICATED THAT THE SOVIET INTERPRETERS WERE  
HAVING SOME DIFFICULTY FINDING A RUSSIAN PHRASE THAT WOULD  
CONVEY ACCURATELY THE MEANING OF THE ENGLISH PHRASE  
"REPLACEMENT TREATY" WITHOUT SHADING THE PHRASE IN FAVOR  
OF EITHER HAVING THE SAME PROVISIONS OR DIFFERENT PROVIS-  
IONS, BUT AGREED WITH NEIDLE THAT WE SHOULD WORK ON THE  
ENGLISH LANGUAGE TEXT FIRST AND CONSIDER THE RUSSIAN  
TRANSLATION AT A LATER STAGE. NEIDLE ADDED COMMENT THAT  
A GREAT DEAL OF THOUGHT HAD GONE INTO OUR PROPOSAL. PHRASE  
"REPLACEMENT TREATY" WAS SIMPLEST WE COULD DEVISE. THE  
THREE DELEGATIONS WERE, OF COURSE, OPERATING UNDER THE  
TRADITIONAL GROUND-RULES THAT ALL TREATY LANGUAGE WAS  
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AD REFERENDUM TO GOVERNMENTS, BUT OBVIOUSLY THIS PARTICU-  
LAR PHRASE WAS NOT ONE MERELY DEvised IN THE DELEGATION:  
IT HAD BEEN CONSIDERED AT HIGH LEVELS IN CAPITALS. NEIDLE  
CONCLUDED THAT THEREFORE IT WOULD BE VERY HELPFUL IF  
SOVIETS COULD RESPOND FAVORABLY TO THIS PROPOSAL AND WE  
STRONGLY URGED THE SOVIET SIDE TO DO SO. TIMERBAEV MADE

NO COMMENT BUT, AFTER A PAUSE, NODDED AFFIRMATIVELY.  
(SOVIET DEL'S QUESTIONS, AND THEIR EFFORT TO FIND SUITABLE  
TRANSLATION, INDICATE THEY ARE GIVING OUR LANGUAGE VERY  
SERIOUS CONSIDERATION.)

8. TIMERBAEV ASKED IF WE HAD ANY THOUGHTS ON WHETHER WE  
SHOULD HAVE SOME FORM OF EXPLICIT UNDERSTANDING PROVIDING  
FOR TRIPARTITE CONSULTATIONS BEFORE THE REVIEW CONFERENCE.  
BIRCH SUGGESTED THERE WAS NO NEED FOR EXPLICIT LANGUAGE.  
NEIDLE SAID HE COULD NOT IMAGINE HOW WE WOULD FAIL TO  
HAVE THESE CONSULTATIONS GIVEN OUR SPECIAL STAKE IN THE  
TREATY; BUT HE HAD NOT CONSIDERED THE SPECIFIC QUESTION  
OF THE POSSIBILITY OF SOME FORM OF UNDERSTANDING.

9. TIMERBAEV ASKED NEIDLE TO ANALYZE THE POSSIBILITIES FOR  
A DEPOSITARY OR DEPOSITARIES OF THE TREATY. NEIDLE NOTED  
THAT THERE WERE A VARIETY OF PRECEDENTS THAT COULD BE  
CONSIDERED; BUT WE HAD NO FIRM VIEWS OR INSTRUCTIONS AT  
THIS TIME. MOST RECENT MULTILATERAL ARMS CONTROL PRECE-  
DENTS HAVE THE US, UK AND USSR AS DEPOSITARIES, BUT WE SAW  
IN THE NEGOTIATIONS ON THE ENVIRONMENTAL MODIFICATION  
TREATY THAT THIS PRACTICE DID NOT SIT WELL WITH OTHER  
NATIONS AND WE THEREFORE PROVIDED IN THAT TREATY THAT THE  
DEPOSITARY WOULD BE THE SECRETARY-GENERAL OF THE UN. HE  
RECALLED THAT THE TRIPLE DEPOSITARY CONCEPT, ITSELF A  
DEPARTURE FROM THE NORMAL INTERNATIONAL PRACTICE OF USING  
ONE GOVERNMENT AS A DEPOSITARY, WAS ORIGINALLY DEVELOPED  
PRINCIPALLY TO SOLVE THE PROBLEM OF RECEIVING INSTRUMENTS  
OF RATIFICATION FROM TWO GERMAN ENTITIES, A PROBLEM NOW  
BEHIND US. HE NOTED THAT FROM A NONPROLIFERATION STAND-  
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POINT, THAT IS, ENCOURAGING WIDE ADHERENCE, THE SECRETARY-GENERAL WOULD BE THE BEST SOLUTION, SINCE IT WOULD NOT GENERATE COMPLAINTS FROM THE INTERNATIONAL COMMUNITY, FOR WHICH THE DEPOSITARY CLAUSE WILL HAVE SYMBOLIC SIGNIFICANCE. ANOTHER OPTION WOULD BE TO USE A RESPECTED NEUTRAL COUNTRY, SUCH AS SWITZERLAND OR AUSTRIA AS A DEPOSITARY. THIS WOULD PROBABLY BE MORE PALATABLE TO A WIDE RANGE OF NATIONS THAN HAVING THREE DEPOSITARIES. BUT HE NOTED THAT, IF NECESSARY, WE COULD HANDLE THE MECHANICAL PROBLEMS OF USING THREE DEPOSITARIES, HAVING DONE IT BEFORE. BIRCH INDICATED THAT IN TERMS OF NONPROLIFERATION OBJECTIVES THE BRITISH DELEGATION LEANS TOWARD THE SECRETARY-GENERAL SOLUTION. TIMERBAEV NOTED THAT THE PRECEDENT OF THE ENVIRONMENTAL MODIFICATION CONVENTION IS NOT COMPELLING SINCE THE USE OF THE SECRETARY-GENERAL THERE HAD NOT ENTICED MANY SIGNATORIES TO JOIN THAT AGREEMENT. HE THOUGHT THAT WHEN WE DEVELOPED A COMPOSITE TEXT WE MIGHT PUT THE ISSUE ASIDE USING BRACKETS TO INDICATE "DEPOSITARY" OR "DEPOSITARIES". NEIDLE AND BIRCH THOUGHT THAT WOULD BE SENSIBLE. JOHNSON

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## Message Attributes

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